

REMARKS

Status of case

Claims 1-23 are currently pending in this case. Claims 1, 9, 15, 19, 21, and 22 are independent claims.

Rejections under 35 U.S.C. §103

Claims 1-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,169,890 (hereinafter “Vatanen”) in view of U.S. Patent No. 6,553,219 (hereinafter “Vilander”) and U.S. Patent No. 4,860,352 (hereinafter “Laurance”).

As noted by the Office Action, the Vatanen reference fails to teach or suggest a first location memory device, a second location memory device, a matching device, or an authentication device. To meet these limitations, the Office Action states that the Laurance teaches a matching device and method, and that the Vilander reference discloses an authentication device and method. Applicants respectfully disagree.

As an initial matter, applicants maintain their argument from the previous response that the Vilander reference does not teach an authentication device or method as presently claimed. Specifically, authentication in the Vilander reference is performed by an “authentication certificate” instead of based on the matching or comparing device/method as claimed. See claim 1 (“an authentication device . . . based upon a comparison result obtained from said matching device); claim 9 (“an authentication device . . . based upon a comparison result obtained from said matching device”); claim 15 (“a step for determining validity . . . based upon the comparison result obtained in said matching step); claim 19 (“an authentication step . . . based upon the comparison result obtained in said matching step”); claim 21 (“an authentication process . . . based upon said comparison result obtained in the match process”); claim 22 (“an authentication process . . . based upon said comparison result obtained in the comparing process”).

Applicants further argue that the Laurance reference fails to teach or suggest the matching device and method as claimed. The Laurance reference discloses a satellite communication system for determining whether a message received from a transmitter is authentic (see column 5, lines 50-67, column 6, lines 1-4, 13-25).

In the satellite communication system of Laurance, when transmitter 102 located at a first location sends a message to a receiver 106 located at a second location, the message is sent via satellite 104 (see Fig. 1). Satellite 104, upon receipt of the message from transmitter 102, determines the location of transmitter 102 and sends the location data to receiver 106, together with the message. Receiver 106, upon receipt of the location data and the message, retrieves authorized transmitter position data from its storage means, and compares the received location data with the retrieved authorized transmitter position data. If, as a result of comparison, the data are found to correlate, it is determined that the received message is authentic. The authorized transmitter position data indicates a place where transmitter 102 should be located. Since transmitter 102 is a static device, and the location of the device is therefore unique, location data of the device can be used for authentication.

As the description above illustrates, there is a clear difference between the teaching of the Laurance reference and the present invention as claimed. Namely, in Laurance, the two sets of location data that are compared relate to a **single device** – namely, transmitter 102. In the present invention as claimed, the sets of location data that are compared relate to **different devices**, a receiving terminal and a mobile communication terminal. See claim 1 (“a matching device . . . for comparing the location information of the receiving terminal and the location information of the mobile communication terminal of the user”); claim 9 (“a matching device . . . for comparing the location information of the receiving terminal and the location information of the mobile communication terminal of the user”); claim 15 (“a step for comparing the location information of said receiving terminal obtained in said first location information obtaining step with the location information of said mobile communication terminal obtained in said second location finding step”); claim 19 (“a step of comparing said read location information of the receiving terminal with said read location information of the mobile communication terminal”); claim 21 (“a match process for comparing the location information of said receiving terminal obtained in said first location information obtaining process with the location information of said mobile communication terminal obtained in said second location information obtaining process”); claim 22 (“a process for comparing said read location information of the receiving terminal with said read location information of the mobile communication terminal”).

More specifically, in Laurance, the comparison is between the proper location of transmitter 102 at a time of message transmission with the actual position of transmitter 102 at a

time of message transmission. In direct contrast, in the present invention as claimed, the comparison is between the location of a receiving terminal which receives a transaction request with the location of a user's mobile communication terminal which sends the transaction request.

Further, there is no motivation to modify the comparison step as disclosed in the Laurance reference to the claimed comparison step. The Laurance comparison is directed to an entirely different concept and for an entirely different problem. In particular, the comparison in Laurance focuses on a transmission and location for a single device (comparing the actual position of the device with a predetermined position of that same device). By contrast, the comparison in the present invention is to reliably and securely authenticate a transaction request sent from one device to another device. The necessity to properly authenticate transaction request is, simply put, a necessity to ensure that a person issuing a transaction request is actually authorized to conduct the transaction for which the request is made. Thus, in the present invention, in addition to (or if desired, in place of) a conventional requirement of using a password or the like by a user of a communication terminal for making a transaction request, a transaction request will only be granted if a communication terminal which is used to make the request is determined, on the basis of location data received at a receiving station, to be at the location where the transaction request is made; namely, proximate to the location where the requested transaction is to be carried out. In the present invention, there exists the need to compare attributes of two different devices: a receiving terminal and a mobile communication terminal. One would therefore not be motivated to modify the Laurance reference to that as presently claimed. Thus, claims 1, 9, 15, 19, 21, and 22, and the claims that depend thereon, are patentable over the cited references.

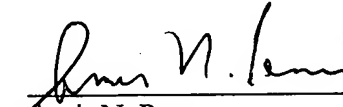
Application No. 10/031,291

Response to Final Office Action dated September 23, 2005

CONCLUSION

Applicants submit claims 1-23 for reconsideration. Should there be any remaining formalities, the Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,



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